

House Study Bill 636 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to communications by an arrested person in a
2 jail or other detention facility.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 804.20, Code 2014, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **804.20 Communications by an arrested person.**

4 1. As soon as practicable after booking into a jail or
5 other detention facility, an arrested person has the right to
6 make at least three completed telephone calls to any of the
7 following, at no expense, if the telephone calls are completed
8 to telephone numbers within the local calling area:

9 a. A call to an attorney of the person's choice.

10 b. A call to an insurance company doing business under the
11 provisions of section 515.48, subsection 2.

12 c. A call to a relative or other person for legal
13 representation, undertaking of bail, or making arrangements for
14 employment, child care, or other personal matters.

15 2. A person who has been booked into a jail or other
16 detention facility may request a consultation in person with an
17 attorney in a private confidential setting.

18 **EXPLANATION**

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill strikes Code section 804.20 and inserts new
22 language specifying that an arrested person, as soon as
23 practicable after booking into a jail or other detention
24 facility, has the right to make three completed telephone
25 calls, at no expense, if the calls are completed to telephone
26 numbers within the local calling area. The bill further
27 specifies that the calls may be limited to an attorney,
28 an insurance company doing business relating to bail bonds
29 under Code section 515.48(2), and a relative or other person
30 for legal representation, undertaking of bail, or making
31 arrangements for employment, child care, or other personal
32 matters.

33 The bill also provides that a person who has been booked into
34 the jail or other detention facility may request a consultation
35 in person with an attorney in a private confidential setting.

1 The bill does not provide for any criminal penalties for
2 violations of the bill.

3 Current law provides that any peace officer or other
4 person having custody of any person arrested or restrained
5 of the person's liberty, shall permit that person, without
6 unnecessary delay after arrival at the place of detention,
7 to call, consult, and see a member of the person's family or
8 an attorney, or both. Current law specifies that the person
9 must be permitted to make a reasonable number of telephone
10 calls as may be required to secure an attorney. Current law
11 also specifies that an attorney shall be permitted to see and
12 consult confidentially with such person alone and in private
13 without unreasonable delay.

14 Current law provides that a violation of Code section 804.20
15 is a simple misdemeanor.